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Transcript

Newsletter of the Orange County Public Law Library

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The Definitive Word on School Vouchers - Maybe.

by Maria R. Arredondo, Library Aide

Many people will agree that the public education system is failing in urban areas of the country. Depending on what political party you consult on any given election year, you will get varying ideas as to how the problem can be remedied. Particularly in California, the regular speeches include promises of reduction in class sizes, more qualified teachers, and increased funding. One idea that became the focus of attention during the late '90s was school vouchers. Proponents argued that it was the panacea that the education system needed. Opponents immediately pointed to the Establishment Clause of the U.S. Constitution. Last summer, the U.S. Supreme Court decided to give its definitive word on the issue when it handed down its opinion in *Zelman v. Simmons-Harris* (2002), 536 *United States Reports*, 639, GEN 3 KF 101 .A2U5.

In Ohio, the public education system did in fact fail. In 1996 the Cleveland City School District was placed under state control by a Federal District Court and a subsequent auditor report declared that the district had "failed to meet any of the 18 state standards for minimal acceptable performance" and that the district was in a "crisis that is perhaps unprecedented in the history of American education." 536 *U.S. at* 644, *ibid*. State legislators scrambled and ultimately came up with the Pilot Project Scholarship Program--their version of school vouchers. Litigation followed and it finally made its way up to the U.S. Supreme Court; all the meanwhile, states wondered whether school vouchers could really become a lawful option.

School vouchers are basically tuition coupons provided for by government funds that can be used at private schools. They create the option for families of lower income resources to send their children to private schools. The funds behind the tuition coupons are funds that would otherwise remain with public schools should parents decide to keep their children in public schools. The problem ensues by the fact that most private schools happen to be religious schools. The First Amendment of the U.S. Constitution states that "Congress shall make no law respecting an establishment of religion..." Applicability was extended to state legislatures via the 14th Amendment in *Murdock v.*

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New & Improved

by Carole Brotherton, Network Specialist

A NEW LOOK

The public access computer stations have a new look. Earlier this year, new flat screen LCD monitors were placed at three of the stations. These monitors are not only brighter and sharper but they take up much less space on the desk.

SMALL AND POWERFUL

Later this year we will be upgrading all the stations to new all-in-one computers. The space-saving one-piece design houses a Pentium 4 processor behind a flat screen LCD monitor. There will be no more big beige CPU box on or under the desk; this means a lot more room for our public users.

SOMETHING NEW

The menu that greets each user is new and improved. Our new menu screen starts with a scrolling marquee, which welcomes each user to the Law Library and provides information about the use of the public stations. The menu prominently presents our online Library Catalog as well as links to several

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Commonwealth of Pennsylvania (1943), 319 U.S. 105, *ibid*.

So how exactly can opponents of school vouchers argue that school vouchers are a law respecting the establishment of religion? Literal reading leads to the assumption that any law passes scrutiny so long as it falls short of naming a particular religion to be the religion of the land. The Supreme Court, however, has long recognized that those words carry more meaning than the literal reading. They have focused on the history and intent behind the framing of the 1st Amendment, specifically the dangers of having extensive government involvement with any church. In *Waltz v. Tax Commission* (1970), the Court said that the three evils against which the Establishment Clause intended to protect were "sponsorship, financial support, and active involvement of the sovereign in religious activity." 397 U.S. 664, 668, *ibid*. Opponents of the Pilot Program in Ohio argued that the government was providing financial support through school vouchers.

Scholars and legal thinkers have formulated several theories as to how those evils can be avoided. The theories run a spectrum that ranges from complete separation to a near literal reading of the clause. In *Zelman*, the Supreme Court's opinion adopts a theory that is quite close to the middle—it allows interaction between church and state so long as the interaction is neutral in its process and it involves individual, autonomous choice. It rendered Ohio's school voucher program constitutional.

In coming to its conclusion, the Court did focus on some statistics. In the 1999-2000 school year, 82% of the participating private schools in the Cleveland City School District were religious and of the more than 3,700 students that participated, 96% of them enrolled in the religious private schools. Moreover, once the money was distributed, the state retained no control over the actual use of the funds. So how could the Supreme Court say that school vouchers do not provide for the financial support of religious inculcation?

The Court conceded that religious schools did appear to benefit more from school vouchers than the non-religious private schools. They noted, however, that the state was not responsible for such a result. Although most of the private schools were religious, there were some that were not and because the tuition coupons were paid to the parents, rather than the schools, it was individual, private choice that led to the religious schools receiving any state funds. Parents still had the option of choosing public schools, magnet schools, or non-religious private schools. Their choice was independent and technically free of governmental

coercion.

What the Court failed to consider, however, was the *practical* effect of school voucher programs. When a state creates a school voucher program it is in essence telling parents of public school children this: "You know those public schools we have for you? Well, we just realized they're so bad that the only way we can fix this problem is by letting you go elsewhere. We'll foot the bill, that's the least we can do. And, if you want to stay, well, that's up to you." Any parent who cares about their child's education would take the hint and leave. The problem comes in with parents who have un-common religions that do not happen to run a high school close by or with parents who do not affiliate with any religion at all. Where can they go? There are private *non-religious* schools. In Cleveland, however, they are only 18% of the total number of private schools. How far would these parents have to travel? And specifically with parents who have un-common religions, they might *want* to send their children to a religious school, but for them it is unfeasible. In the end, you have a school voucher program that has unequal opportunities determined by religious affiliation. You also cannot get away from the fact that government money *will* end up being used for religious indoctrination since there is no oversight or accounting of the funds.

Nonetheless, the definitive word on school vouchers was handed down: they're okay as long as you don't give the money directly to the religious schools and there are at least some of them that are not religiously affiliated. So then why was Florida's seemingly compliant school voucher struck down less than two months after the court's ruling?

All states have a little Constitution of their own and laws must also abide by them. State Constitutions must provide the minimum protections given by the Federal Constitution, but they are free to expand those protections. That is why Florida, along with 36 other states, may have trouble instituting school voucher programs. They have passed what are known as Blaine Amendments, which are basically laws that expressly prohibit the use of state funds on sectarian schools. Check out <http://www.blaineamendments.org> for further background and an interesting discussion regarding the name behind the laws.

California does not have a Blaine Amendment and its public education system ranks at the bottom of the nation. So why not try school vouchers in California? In 2000, California voters resoundingly struck down Proposition 38, which would have allowed for a school voucher program. It is doubtful whether the majority of the voters contemplated the Establishment Clause

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ELECTIONS & COURTS

By John Quigley, who is not a fan of Bore and Gush!

BUSH V GORE: THE BOOK

This article begins with a review of material from *Bush V Gore: The Court Cases and the Commentary*, GEN3 KF5074.2.B87 2001. The book covers the 2000 Presidential election litigation, including transcripts of relevant court proceedings and commentary from all shades of the political spectrum, compiled by two editors at opposite ends of that spectrum. Our review is limited to a few significant events (detailed in pp. xi-xiv) and court opinions (referenced to pages in the book). Please refer to the book, because we don't try to explain often complex reasoning behind eighteen different opinions by eighteen judges.

A basic issue was if Florida's Division of Elections would accept election returns after a statutory deadline. In a requested advisory opinion, its Director and the Assistant General Counsel relied on statutory language that returns after the statute's deadline "shall be ignored" (pp. 9 & 10). A trial court relied on a different statute that the Secretary of State "may" consider late returns, and ordered her to do so "consistent with the sound exercise of discretion" (p. 23). The Secretary issued criteria for late returns and later determined that none of the submitted returns justified extending the deadline.

Gore's lawyers brought a motion in the trial court to compel acceptance of the late returns, but the court held that the Secretary had exercised her discretion in a reasonable manner. Gore appealed to the Florida Supreme Court, which unanimously reversed, concluding that "we must invoke the equitable powers of this court to fashion a remedy" (p. 46). It ordered the Secretary to accept all returns submitted by November 26th, extending the statutory deadline by 12 days. On the 26th, Florida's Elections Canvassing Commission, after receiving amended returns, announced victory by Bush.

Gore's lawyers challenged the certification of the Commission and also those of the canvassing boards of three counties, but the trial court found that Gore "failed to carry the requisite burden of proof" (p. 57). Gore's lawyers again appealed to the Florida Supreme Court, which reversed the trial court's finding by a split (4-3) decision, ordering a hand count of 9,000 ballots in Miami-Dade County and other relief. Two dissenting justices agreed with the trial court's finding and argued that "...the majority is departing from the essential requirements of the law by providing a remedy which is impossible to achieve and which will ultimately lead to chaos" (p. 96). They were joined by the Chief Justice, who added: "...the majority's decision cannot withstand the scrutiny which will certainly immediately follow under the United States Constitution" (p. 81).

The U.S. Supreme Court reversed the Florida deci-

sion, ruling that its lack of proper guidelines denied equal protection rights to have votes counted in a uniform manner. "Seven Justices of the Court agree that there are constitutional problems with the recount ordered by the Florida Supreme Court that demand a remedy....The only disagreement is as to the remedy." (p. 108). The five-Justice majority held that "...remanding to the Florida Supreme Court for ordering of a constitutionally proper contest...contemplates action in violation of the Florida election code." (ibid)

THE NEW JERSEY SUPREME COURT

A recent New Jersey case also concerned a statutory deadline. A Democrat Senator running for reelection in 2002 withdrew from the race, and the party sought to replace his name on the ballot with another, after the statutory deadline. The move was opposed by the Republican, Green, Libertarian, Socialist, and Conservative Parties.

Section 19:13-20 of the *New Jersey Statutes Annotated*, GEN4 KFN1830 1937 .A42, provides that: "In the event of a vacancy, howsoever caused, among candidates nominated at primaries, which vacancy shall occur not later than the 51st day before the general election . . . a candidate shall be selected in the following manner: . . . (d) A selection . . . shall be made not later than the 48th day preceding the date of the general election, and a statement of such selection shall be filed . . . not later than said 48th day. ."

The Supreme Court of New Jersey: allowed replacement on the 34th day, ruling "...that the equitable relief sought herein is not inconsistent with the precedent of this Court and the terms of the statute and that *the Court should invoke its equitable powers* in favor of a full and fair ballot choice...." *New Jersey Democratic Party, Inc. v. Samson* (2002), 814 *Atlantic Reporter 2d* 1025, 1027, GEN3 KF135. A71 2d. (In a later, longer opinion on p. 1028, the Court omitted reference to equitable powers, and instead justified their earlier ruling by referencing general principles from a host of cases.)

It especially cited *Kilmurray v. Gilfert* (1952), 91 *Atlantic Reporter 2d* 865, *ibid*, as authority for holding that the statute was "directory and not mandatory". But *Kilmurray* only held such for the earlier date and implied that the later date was mandatory (p. 868). It was a more compelling case for equitable relief: the candidate had died and been promptly replaced before the later date. In the instant case, the candidate withdrew after the later date because media polls indicated that he would probably lose the election.

THE BATTLE FOR THE COURTS

On May 1st, we celebrate Law Day, originally intended to emphasize the Rule of Law, as opposed to the

dictates of men. This year, the American Bar Association's chosen theme was "Celebrate Your Freedom - Independent Courts Protect Our Liberties." Does that include independent courts using equitable powers to circumvent statutes enacted by elected legislatures? There is a place for such powers in our judicial system. But the Justices of the New Jersey and Florida Supreme Courts, all of whom were appointed by Democrat Governors, relied on them to aid Democrat candidates.

The power of unelected judges is limited primarily by their own self-restraint. And the potential power of activist judges is the main reason why the Florida and New Jersey elections generated so much controversy and litigation. Federal Judges and Justices are appointed by the President with the advice and consent of the Senate. Democrats had only a one-vote lead in the Senate at the time of the 2002 election, which made it critical.

In that election, Republicans increased their numbers in both the Senate and House. (Florida's much-maligned Secretary of State was elected to the house, and its Governor, the President's brother, was reelected. Gore withdrew from a Presidential rematch in 2004, referring to the 2000 debacle in Florida.) With control of the Senate, Republicans have brought Bush nominations for federal judges out of the Judiciary Committee, and they are now threatened with filibusters. One or more Justices of the U.S. Supreme Court may retire in the near future. Expect the real battle to begin then, with character assassinations similar to those of the Clarence Thomas hearings.



Ask a Librarian Question of the Quarter

by Mora Prestinary, Reference Librarian

Q: What is the procedure for the Eviction Process?

A: See the State of California Department of Consumer Affairs web page: California Tenants: <http://www.dca.ca.gov/legal/landlordbook/> and the California Courts Self-Help Center <http://www.courtinfo.ca.gov/selfhelp/other/landten.htm>. All the forms and information you need to do an eviction are on these pages. Also the book titled *California Tenants' Rights*, available here in the Library or on the publisher's web site at <http://www.nolo.com/>.

legal research guides and Web links. The Electronic Legal Research Guide section contains direct links to legal research programs, which offer access to federal and state court cases, plus court rules, maps and other information about California courthouses. Other program links allow searching of full text legal treatises, journals and periodicals.

FREE PUBLIC ACCESS TO LEGAL RESEARCH PROGRAMS

The Library offers free Internet access and subscribes to several legal research databases that are free to the people who use our library. We subscribe to prominent legal research programs such as *LawDesk*, *LoisLaw*, *CCH Tax Research Network*, *CEB Practice Libraries*, *Authority* and *BNA's Environmental Law* for full text searching in legal treatises. We offer programs such as *Hein-on-line* and *LegalTrac* for searching legal periodicals. For information on Courts and court cases, we recommend using *LawDesk*, *LoisLaw*, *Shepard's Citations*, and *Essential Courts*. Tax forms and tax treatises can be found in the *CCH's Tax Research Network*.

THE LIBRARY DILEMMA

Technology does not come cheap. Faster, more powerful computers are expensive. Subscriptions to legal research databases, both Internet based and CD-ROM subscriptions, are very costly because they are only offered for a substantial monthly or yearly fee per user. The cost is not a one-time expense such as we might pay for a set of books. With programs for which we offer simultaneous user access, the fee is significantly more. Although we are not tax supported and our funds are limited, we choose to offer our patrons this type of service because we know that the Internet and these types of online legal research programs are the most efficient way to do legal research. Our librarians are experts in showing patrons how to use these tools to their fullest advantage.


Our dilemma has come about slowly. Our liberal public Internet use policy has become known and some people have started to come to our library only to exploit our generosity. They spend hours at our public stations sending personal e-mail, tracking various newsgroups, or aimlessly surfing the Web. Some of these individuals go to inappropriate Web sites that traffic in pornography. A few individuals specialize in trying to crash the computers while trying to hack through our network security. We spend an inordinate amount of staff time policing these people.

As librarians, our inclination is to provide knowledge to the public with as few limits as possible. Our public computers were set up in this way to assist the public in doing legal research. Because of the present situation with our public computers we fear that a few selfish people will

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force us to put limits on the use of our technology. Sign up sheets, enforced time limits, Web filtering and monitoring are a few of the steps we hope to avoid.


WHAT'S NEXT

Near the end of 2003 big changes will start to happen at OCPLL. It's time for a change and plans are being made that will upgrade the physical layout of the Library. Bringing the newest and best technology to the public will be a major part of this planning. As always, our aim is to grow with the times and improve our services. Plans are also being discussed that will make possible new learning situations for our patrons as we grow and expand. Please let us know what you need. We invite you to tell us how can we improve the Library to make your visit here more positive and productive. 

The Definitive Word (Continued from page 2)

and its purpose when casting their votes. Most television commercials at the time seemed to focus not on the legal aspects of the statute, but rather its actual effectiveness. To refresh your memory, the anti-prop 38 commercials told us that school vouchers would divert millions of dollars from public schools and thus make them worse, rather than make them more effective. It made sense to the voters.


The Cleveland Pilot Program is still too young to judge its actual effectiveness. Perhaps in the future, if it is wildly successful, California voters will change their minds and give Proposition 38 another chance. Or perhaps by then, class sizes will be smaller, teachers will be more qualified, and school funding will have been increased to the point where school vouchers are not necessary. That is my hope for the poor atheist child living in a failing school district.

For a more detailed discussion of Supreme Court case law dealing with the Establishment Clause, check out *The Constitution & Religion: Leading Supreme Court Cases on Church & State*, edited by Robert S. Alley, GEN 3 KF 4865 .A7C66 1999. 

ON DISPLAY

OUR INDEPENDENT JUDICIARY

May 1st is recognized in America as Law Day. This year's theme, "Celebrate Your Freedom – Independent Courts Protect Our Liberties", inspired the library's current display. It includes relevant library books and other materials selected by Warren Vining, the staff member whom we have come to rely upon for creative displays.

Also, in this issue of the *Transcript*, related websites are listed in our regular feature: "Looking at the Web." And analyses of recent court cases are presented in two articles: "Elections & Courts" and "The Definitive Word on School Vouchers – Maybe." 



Where Is It?

by Bret Christensen, Library Assistant



Have you ever wondered why the sky is blue? Or how about where the wind goes after a windy day? Better yet, why is it government never seems to have enough of my money?!? Yeah, these are good questions but night after night, we, of the library night staff, are asked dozens more interesting questions like where can I park for free, or where is the closest ATM, or are there any places close by where I can get something to eat? It is to these questions that I direct this article.

With the increase in County parking fees from 75 cents for 30 minutes to \$1 for 30 minutes, many budgets are getting squeezed. So, for my first magic trick, I will address the question of where people can park without having to give up their first-born. Probably the closest location would have to be the coin-metered parking spaces located at Parton Street and Santa Ana Boulevard. At a cheap 25 cents for 30 minutes, seven spaces are available for a two-hour limit. The secret is that the meters are regulated up and until 8:00PM. What this means is that people can park at 6:00PM, plunk down a whole dollar for two hours, and then at 8:00PM they're home free until closing time (the library starts to close at 9:45PM). That gives patrons about 4 hours of worry free researching bliss. Also, the metered parking is only enforced Monday through Friday 8:00AM to 8:00PM – it is not enforced Saturday, Sunday, or Holidays. Yeah, the library is not open Sunday or on Court recognized holidays, but what can I do? Also, cars parked in these spaces from 2:00AM to 6:00AM are subject to towing. Next up are the spaces along 3rd Street just west of Parton. Here, there are eight spaces with the same time limits and constraints noted above. These are the 15 parking spaces closest to the library. Other nearby parking is as follows: at the old Courthouse located at Broadway and Civic Center Drive (about 20 spaces), on Van Ness Street off Civic Center Drive (50-75 spaces), on Parton Street off Civic Center Drive (50-75 spaces), and on Ross Street north and south of Civic Center Drive (50-85 spaces). A word of caution about parking on the streets around Civic Center Drive: this area is prone to break-ins. If you park there, do not leave tasty treats for people to see whilst walking by your car. Car phones, keys, wallets, briefcases, etc. should be stored in the trunk or in your hand.

Next up, where to find the elusive ATM. For this one, I scoured the countryside and this is what I came up with. The two closest ATM's are presently located at the old Cal Fed bank (now Citibank), which is located at 518 N. Broadway (across from the old courthouse on Santa Ana Boulevard) and Orange County's Credit Union located at 856 N. Ross Street just north of Civic Center Drive. That said, the following is a list of other ATMs in

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the near vicinity: the Santa Ana Police Department has an ATM but it closes at 7:00PM Monday through Friday and 5:00PM on Saturday; the DA's office at 401 Civic Center Drive has an ATM but it closes at 5:00PM; the central courthouse has an ATM in the lobby but it also closes at 5:00PM; and the Environmental Management Agency at 300 N. Flower closes at 5:00PM.

Next, where is the handicapped access for the library? Individuals, who have a hard time negotiating the 23 steps from the parking lot below the library or the 16 steps located at the main entrance of the library, can use the library's very own elevator. Access to it is available by coming to the library entrance located on the west side of the building by the handicapped parking spaces. Simply ring the doorbell and a library employee will open the door, escort you to the elevator and up to the main reading room on the 3rd floor. Please note that persons using the elevator are subject to screening by our state-of-the-art security device before going back down the elevator.


The next most popular question: where is the City Hall (for city council hearings) located? The Santa Ana City Hall is located at 20 Civic Center Plaza in Santa Ana and its telephone number is (714) 647-5400. From the library, persons may exit the main library entrance, turn left at the bottom of the stairs, walk across the bridge, across the large arcade, turn right for about 50 feet, right again, down some stairs, and straight to the waiting arms of City Hall.

Another popular question is the location of the Immigration and Naturalization (INS) Office. The closest INS office is located a mere 60 feet from the law library at 34 Civic Center Plaza, Federal Building, Santa Ana, CA 92701. Office hours are 7:00AM to 4:00PM, Monday, Tuesday, Wednesday, and Friday. On Thursday, the Office is open from 7:00AM to 12:00 Noon. A related question asked all the time: where is the INS Detention Center located? The INS Detention Center is located at 14560 Magnolia Street in the city of Westminster. The phone number for the Center is (714) 372-3803.

The next question, the location of the men's jail, requires a listing of sorts because there are three jail facilities. The Central Jail Complex located at the corner of Flower Street and Santa Ana Boulevard at 550 N. Flower Street in Santa Ana, holds sentenced and pre-trial maximum-security inmates. Its general information phone number is (714) 647-4666. The Complex actually consists of three separate buildings: the Men's Central Jail, the Women's Central Jail, and the Intake and Release Center. The Theo Lacy Facility, located at 501 City Drive South, houses 2,068 minimum to maximum-security pre-trial and sentenced inmates. The Theo Lacy Facility is located in the City of Orange across from the old City Mall (now "The Block") and its telephone number is (714) 935-6940. Finally, the James Musick Facility, located at

13502 Musick Road in Irvine, provides custodial and rehabilitative programs for 1,256 adult male and female inmates screened as minimum security risks. Its telephone number is (714) 647-4666.

Finally, and on a happier note, where can people get something to eat around the library (just don't bring it inside the library)? The answer to that is 3rd Street. Just east of Parton Street on 3rd Street is a series of small restaurants/eateries that are open later in the evening. One of the favorites of the library staff (and a short walking distance from the library) is the Gypsy Den located at 125 N. Broadway Avenue in the Artist's Village in Santa Ana. The phone number is (714) 835-8840 and it is open until 10:00PM Monday through Thursday and until 11:00PM on Friday and Saturday.

And there you have it - answers to some of the most pressing questions on the minds of library patrons. 


LOOKING AT THE WEB

by Mora Prestinary, Reference Librarian



COURT WEB SITES

In honor of this year's Law Day theme "Independent Courts Protect Our Liberties", I have compiled some court sites for you. Also please see our special display on Law Day at the Library.

- ✧ *California Courts Page* <http://www.courtinfo.ca.gov/> Links to all California county superior courts.
- ✧ *Court TV* <http://www.courtstv.com/> Trial coverage, the cornerstone of Court TV's daytime programming, focuses on America's most newsworthy and controversial legal proceedings. It delivers a powerful, compelling, real-life look at the justice system.
- ✧ *Courts & Legal Procedure* http://www.abanet.org/publiced/courts/trialjury_role.html The role and structure of courts.
- ✧ *Emory Federal Court Finder* <http://www.law.emory.edu/FEDCTS/> All Federal & state courts including Specialized Federal Courts.
- ✧ *Federal Court Locator* <http://vls.law.vill.edu/Locator/fedcourt.html> A site intended to give access to information related to the federal judiciary, including slip opinions.
- ✧ *FindLaw* <http://www.findlaw.com/10fedgov/judicial/index.html> FindLaw Courts page.
- ✧ *Law Library Resource Exchange* <http://www.llrx.com/courtrules/> Court rules, forms, & dockets. This site includes links to over 1,400 sources for state and federal court rules, forms and dockets. You can browse to find the resource you need, or search by keyword.
- ✧ *U.S. Courts Page* <http://www.uscourts.gov/links.html> Links to all court sites. 



What's New From The Depository

by Karen Wood, Government Documents Assistant


NEW TITLES:

- ✧ *Are You Ready: A Guide to Citizen Preparedness*
SUDOC FEM 1.8/3:34/2002
- ✧ *Celebrating a Century of Flight*
SUDOC NAS 1.21:2002-09-511-HQ
- ✧ *Committed to Justice: the Rise of Judicial Administration in California*
GEN3 KFC78 .S58 2002
- ✧ *Consumer Privacy Protection Act of 2002*
SUDOC Y 4.C 73/8:107-131
- ✧ *Lemon-Aid for Consumers*
CALIF CC970 .L45 2002
- ✧ *Order in the Courts: A History of the Federal Court Clerk's Office*
GEN3 KF8771 .M47 2002
- ✧ *Securing America: the Federal Government's Response to Nuclear Terrorism at Our Nation's Ports and Borders*
SUDOC Y 4.C 73/8:107-139
- ✧ *Using DNA to Solve Old Cases*
GEN3 KF9666.5 .D5U8
- ✧ *Voting Systems Standards*
GEN2 JF1128 .U55 2002
- ✧ *World Trade Center Building Performance Study: Data Collection, Preliminary Observations, and Recommendations*
SUDOC FEM 1.2:W 89

CHANGES IN FORMAT:

The Government Printing Office has stopped distributing Official Gazettes for Patents in print format. The last paper copy we have received for this title is for volume I262 (Sept. 2002); we now receive this title in cdrom format only.

NO LONGER IN PRINT:

- ✧ *The Slip Opinions for the Supreme Court of the United States* (SUDOC JU 6.8/B:) are no longer in print and are available on the Internet at: <http://purl.access.gpo.gov/GPO/LPS1858>.
- ✧ *Air Force Law Review* (KF7405 .A15A5) is also no longer in print and available on the Internet at: <http://purl.access.gpo.gov/GPO/LPS28111> 

YES, WE HAVE MORE DICTIONARIES.

(The contents of each dictionary vary a great deal!)

by Ann Marie Reilly, Library Assistant

You do not die all at once.

*Some tissues live on for minutes, even hours,
giving still their little cellular shrieks,
molecular echoes of the agony of the whole corpus.*

*Here and there a spray of nerves dances on.
True, the heart stops; the blood no longer courses;
the electricity of the brain sputters, then shuts down.
Death is now pronounceable.*

*But there are outposts where clusters of cells yet shine,
besieged, little lights blinking in the advancing darkness.
Doomed soldiers, they battle on
until death has secured the premises all to itself.*

Mortal Lessons: Notes on the Art of Surgery
By Dr. Richard Selzer
(Quote from the *Death Dictionary*)

The *DEATH DICTIONARY* (DIC HQ1073.Q54 1994) by Christine Quigley (no relation to our esteemed staff member John Quigley) contains over 5,500 clinical, legal, literary, and also vulgar terms for death.

In the preface, the author tells us "words have been collected from sixty-five cultures, nine religions, and twenty fields." The thesaurus at the back of the book "groups words under forty main categories, including Afterlife, Corpse, Execution, Funeral, Grief, Murder, Suicide, Terminal Illness, and Will." In the introduction one learns, among many other things, that "(w)ords, even about death, have a certain poetry... Who would guess that *sky burial* was a Tibetan custom of disposing of the body by cutting it up and throwing it to the birds..."

Twenty years ago, Robert Kavanaugh remarked in his book *Facing Death*:

(Quoted in the *Death Dictionary*)

A major barrier against open discussion of death is our lack of an American folk language in which all can communicate comfortably about every aspect of human mortality . . . in our futility, we grasp at strands of the three professionals' vocabularies Americans are still compelled to use when speaking of death: the medical, the religious and the language of the funeral directors.

Here are a few examples from the first part, THE DICTIONARY:

Algor Mortis The temperature of a corpse, esp. used to determine time of death.

blitzkrieg (German) Sudden devastating attack.

chicagoed (slang) Killed, murdered.

defenestration Suicide by throwing oneself out of the window.

hypoinjection The process of pumping embalming fluid directly into body tissues.


inheritance powder (slang) Arsenic; poison.

prenticecide An apprentice murderer.

thanatophilia Love of death.

vertical burial The interment of a corpse in an upright position, esp. to save space.

legal intervention Death brought about by a law enforcement officer in the line of duty.

An anonymous reviewer of the *DEATH DICTIONARY*, accessed on 11/23/2002 at www.amk.ca/death/quigley.html feels that *DEATH ENCYCLOPEDIA* would have been a more appropriate title. 

POSTMASTERS CAN'T SHOOT DUCKS

by Margaret Rogers, Cataloging Technician

Did you know that it is against the law for any postmaster in the United States to shoot ducks? This law was enacted during the latter part of the nineteenth century by Congress. There are many idiotic ordinances and laws cluttering up city and county ordinances, and state and federal statutes. After the law has served its purpose (whatever that may be), legislative bodies don't bother to repeal it (usually).

I did come across an article in the Los Angeles Times just recently about Rolling Hills, CA adulterers who no longer have to fret about fines and jail time if caught sneaking around; they do still have to worry about divorce lawyers and angry spouses. The City Council of this wealthy community atop the Palos Verdes Peninsula moved to repeal a 50-year-old ordinance prohibiting adulterous liaisons in beds, buildings, cars and public places. The ordinance was passed in the late 1950s after the city incorporated. People were forbidden from arousing, appealing to or gratifying the lust or passions of anyone but their spouses. Violators could be fined \$250 and up to three months in jail. A 63 year old man was looking through the municipal code and found it while preparing for a City Council candidates forum. Actually repealing the law was just a formality since a state law passed in 1962 took precedence for sex-related matters from municipalities. The man who originally found the ordinance said that he applauded the City Council for repealing it; he did say that enforcement has been weak as far as he knew.

There are many such laws on the books in every state of the United States and all the countries of the world. A few examples follow:

No maternity hospital shall receive a child without its mother except in cases of emergency (Section 150, Chapter 78, Colorado Statutes Annotated).

Georgia passed a law in 1859 forbidding love matches since the legislature contended that love matches exist only in the imagination of novelists.

A Pocatello, Idaho law passed in 1912 said that the carrying of concealed weapons is forbidden unless same are exhibited to public view.

The Fire Chief of Mt. Prospect, Illinois shall make it his special duty to scalp anyone who borrows anything from the fire engine or any other apparatus.

In Tennessee no atheist can hold a civil office; this also pertains to ministers, priests, and *duelists*.

The above are just a few of the laws that are currently on the books; thankfully, no one pays any attention to them. The following have the most laws written for them: bathing suits (they must cover from the neck area to 3 inches below the knee, including arms); sidewalks, smoking, sleeping (be careful who you sleep with and where you sleep – no kitchens!), intoxication and Blue laws (holdovers from the days of Prohibition), prize fighting, public fountains (of course, there is no bathing whether dressed or undressed), animals (don't tie an alligator to a fire hydrant), and hat pins which I will go into later.

The Library has many books on legal humor; please see the short bibliography at the end of this article. If searching for humorous material, start with a subject heading of LAW – HUMOR. Other subject headings are JUDGES – HUMOR, COMMON LAW – HUMOR, LAW – UNITED STATES – HUMOR, LAW – ANECDOTES, LAW – UNITED STATES – CARICATURES AND CARTOONS, TRIALS – UNITED STATES – ANECDOTES, and WIT AND HUMOR.

Now back to the hat pin. Illinois, Louisiana, New Jersey, and Toledo, Ohio all state that the exposed point of a hat pin can not protrude from the crown of a hat more than ½". New Jersey takes this one step further: Wearing of dangerous hatpins in public places is prohibited by law. How is a dangerous hat pin identified? Is the length important? Maybe the sharpness of the end of the hat pin? What happens if a hat pin protrudes more than ½" from the crown? So many questions and so few answers.

I can't resist just one more law that most librarians would love to see enacted and enforced. In Salt Lake City, Utah, a person can be imprisoned for one month for not returning a library book. Chapter 10.48.010 of the Salt Lake City municipal code states that "Injuring, destroying or failing to return library books prohibited. B. It is unlawful for any person to fail to return any book, pamphlet or other property of the Free Public Library within five days after the receipt of a notice from the librarian thereof, demanding the return to the library of such property. Any person violating any provision of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of one hundred dollars, or by imprisonment in the county jail not to exceed one month, or both such fine and imprisonment."

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